

FIRST REGULAR SESSION

HOUSE BILL NO. 838

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MURPHY.

Read 1st time February 20, 2001, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

1834.L02I

AN ACT

To repeal sections 301.020, 301.140 and 303.026, RSMo 2000, relating to motor vehicle registration, and to enact in lieu thereof three new sections relating to the same subject.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 301.020, 301.140 and 303.026, RSMo 2000, are repealed and three
2 new sections enacted in lieu thereof, to be known as sections 301.020, 301.140 and 303.026, to
3 read as follows:

301.020. 1. Every owner of a motor vehicle or trailer, which shall be operated or driven
2 upon the highways of this state, except as herein otherwise expressly provided, shall annually
3 file, by mail or otherwise, in the office of the director of revenue, an application for registration
4 on a blank to be furnished by the director of revenue for that purpose containing:

5 (1) A brief description of the motor vehicle or trailer to be registered, including the name
6 of the manufacturer, the vehicle identification number, the amount of motive power of the motor
7 vehicle, stated in figures of horsepower and whether the motor vehicle is to be registered as a
8 motor vehicle primarily for business use as defined in section 301.010;

9 (2) The name, the applicant's identification number and address of the owner of such
10 motor vehicle or trailer;

11 (3) The gross weight of the vehicle and the desired load in pounds if the vehicle is a
12 commercial motor vehicle or trailer; **and**

13 **(4) Proof of financial responsibility on the vehicle as required by section 303.160,**
14 **RSMo.**

15 2. If the vehicle is a motor vehicle primarily for business use as defined in section

EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

16 301.010 and if such vehicle is five years of age or less, the director of revenue shall retain the
17 odometer information provided in the vehicle inspection report, and provide for prompt access
18 to such information, together with the vehicle identification number for the motor vehicle to
19 which such information pertains, for a period of five years after the receipt of such information.
20 This section shall not apply unless:

21 (1) The application for the vehicle's certificate of ownership was submitted after July 1,
22 1989; and

23 (2) The certificate was issued pursuant to a manufacturer's statement of origin.

24 3. If the vehicle is any motor vehicle other than a motor vehicle primarily for business
25 use, a recreational motor vehicle, motorcycle, motortricycle, bus or any commercial motor
26 vehicle licensed for over twelve thousand pounds and if such motor vehicle is five years of age
27 or less, the director of revenue shall retain the odometer information provided in the vehicle
28 inspection report, and provide for prompt access to such information, together with the vehicle
29 identification number for the motor vehicle to which such information pertains, for a period of
30 five years after the receipt of such information. This subsection shall not apply unless:

31 (1) The application for the vehicle's certificate of ownership was submitted after July 1,
32 1990; and

33 (2) The certificate was issued pursuant to a manufacturer's statement of origin.

34 4. If the vehicle qualifies as a reconstructed motor vehicle, motor change vehicle,
35 specially constructed motor vehicle, non-USA-std motor vehicle, as defined in section 301.010,
36 the owner or lienholder shall surrender the certificate of ownership. The owner shall make an
37 application for a new certificate of ownership, pay the required title fee, and obtain the vehicle
38 examination certificate required pursuant to section 301.190. Notarized bills of sale along with
39 a copy of the front and back of the certificate of ownership for all major component parts
40 installed on the vehicle and invoices for all essential parts which are not defined as major
41 component parts shall accompany the application for a new certificate of ownership. If the
42 vehicle is a specially constructed motor vehicle, as defined in section 301.010, two pictures of
43 the vehicle shall be submitted with the application. If the vehicle is a kit vehicle, the applicant
44 shall submit the invoice and the manufacturer's statement of origin on the kit. If the vehicle
45 requires the issuance of a special number by the director of revenue or a replacement vehicle
46 identification number, the applicant shall submit the required application and application fee.
47 All applications required under this subsection shall be submitted with any applicable taxes
48 which may be due on the purchase of the vehicle or parts. The director of revenue shall
49 appropriately designate "Reconstructed Motor Vehicle", "Motor Change Vehicle",
50 "Non-USA-Std Motor Vehicle", or "Specially Constructed Motor Vehicle" on the current and
51 all subsequent issues of the certificate of ownership of such vehicle.

52 5. Every insurance company which pays a claim for repair of a motor vehicle which as
53 the result of such repairs becomes a reconstructed motor vehicle as defined in section 301.010
54 shall in writing notify the claimant, if [he] **said claimant** is the owner of the vehicle, and the
55 lienholder if a lien is in effect, that [he] **said claimant** is required to surrender the certificate of
56 ownership, and the documents and fees required pursuant to subsection 3 of this section, to the
57 director of revenue. The insurance company shall within thirty days of the payment of such
58 claims report to the director of revenue the name and address of such claimant, the year, make,
59 model, vehicle identification number, and license plate number of the vehicle, and the date of
60 loss and payment.

61 6. Anyone who fails to comply with the requirements of this section shall be guilty of
62 a class B misdemeanor.

63 7. An applicant for registration may make a donation of one dollar to promote a
64 blindness education, screening and treatment program. The director of revenue shall collect the
65 donations and deposit all such donations in the state treasury to the credit of the blindness
66 education, screening and treatment program fund established in section 192.935, RSMo. Moneys
67 in the blindness education, screening and treatment program fund shall be used solely for the
68 purposes established in section 192.935, RSMo, except that the department of revenue shall
69 retain no more than one percent for its administrative costs. The donation prescribed in this
70 subsection is voluntary and may be refused by the applicant for registration at the time of
71 issuance or renewal. The director shall inquire of each applicant at the time the applicant
72 presents the completed application to the director whether the applicant is interested in making
73 the one-dollar donation prescribed in this subsection.

301.140. 1. Upon the transfer of ownership of any motor vehicle or trailer, the certificate
2 of registration and the right to use the number plates shall expire and the number plates shall be
3 removed by the owner at the time of the transfer of possession, and it shall be unlawful for any
4 person other than the person to whom such number plates were originally issued to have the
5 same in his or her possession whether in use or not; except that the buyer of a motor vehicle or
6 trailer who trades in a motor vehicle or trailer may attach the license plates from the traded-in
7 motor vehicle or trailer to the newly purchased motor vehicle or trailer. The operation of a motor
8 vehicle with such transferred plates shall be lawful for no more than thirty days. As used in this
9 subsection, the term "trade-in motor vehicle or trailer" shall include any single motor vehicle or
10 trailer sold by the buyer of the newly purchased vehicle or trailer, as long as the license plates
11 for the trade-in motor vehicle or trailer are still valid.

12 2. In the case of a transfer of ownership the original owner may register another motor
13 vehicle under the same number, upon the payment of a fee of two dollars, if the motor vehicle
14 is of horsepower, gross weight or (in the case of a passenger-carrying commercial motor vehicle)

15 seating capacity, not in excess of that originally registered. When such motor vehicle is of
16 greater horsepower, gross weight or (in the case of a passenger-carrying commercial motor
17 vehicle) seating capacity, for which a greater fee is prescribed, applicant shall pay a transfer fee
18 of two dollars and a pro rata portion for the difference in fees. When such vehicle is of less
19 horsepower, gross weight or (in case of a passenger-carrying commercial motor vehicle) seating
20 capacity, for which a lesser fee is prescribed, applicant shall not be entitled to a refund.

21 3. License plates may be transferred from a motor vehicle which will no longer be
22 operated to a newly purchased motor vehicle by the owner of such vehicles. The owner shall pay
23 a transfer fee of two dollars if the newly purchased vehicle is of horsepower, gross weight or (in
24 the case of a passenger-carrying commercial motor vehicle) seating capacity, not in excess of that
25 of the vehicle which will no longer be operated. When the newly purchased motor vehicle is of
26 greater horsepower, gross weight or (in the case of a passenger-carrying commercial motor
27 vehicle) seating capacity, for which a greater fee is prescribed, the applicant shall pay a transfer
28 fee of two dollars and a pro rata portion of the difference in fees. When the newly purchased
29 vehicle is of less horsepower, gross weight or (in the case of a passenger-carrying commercial
30 motor vehicle) seating capacity, for which a lesser fee is prescribed, the applicant shall not be
31 entitled to a refund.

32 4. Upon the sale of a motor vehicle or trailer by a dealer, a buyer who has made
33 application for registration, by mail or otherwise, may operate the same for a period of thirty days
34 after taking possession thereof, if during such period the motor vehicle or trailer shall have
35 attached thereto, in the manner required by section 301.130, number plates issued to the dealer,
36 **provided the buyer has documented, and the dealer has recorded, proof of financial**
37 **responsibility as provided by section 303.160, RSMo.** Upon application and presentation of
38 satisfactory evidence that the buyer has applied for registration, a dealer may furnish such
39 number plates to the buyer for such temporary use. In such event, the dealer shall require the
40 buyer to deposit the sum of ten dollars and fifty cents to be returned to the buyer upon return of
41 the number plates as a guarantee that said buyer will return to the dealer such number plates
42 within thirty days. The director shall issue a temporary permit or paper plate authorizing the
43 operation of a motor vehicle or trailer by a buyer for not more than thirty days of the date of
44 purchase.

45 5. The temporary permit or paper plate shall be made available by the director of revenue
46 and may be purchased from the department of revenue upon proof of purchase of a motor vehicle
47 or trailer for which the buyer has no registration plate available for transfer, or from a dealer
48 upon purchase of a motor vehicle or trailer for which the buyer has no registration plate available
49 for transfer. The director shall make temporary plates or permits available to registered dealers
50 in this state in sets of ten plates or permits. The fee for the temporary permit or plate shall be

51 seven dollars and fifty cents for each permit or plate issued. No dealer shall charge more than
52 seven dollars and fifty cents for each permit issued. The permit or plate shall be valid for a
53 period of thirty days from the date of purchase of a motor vehicle or trailer, or from the date of
54 sale of the motor vehicle or trailer by a dealer for which the purchaser obtains a permit or plate
55 as set out above.

56 6. The permit or plate shall be issued on a form prescribed by the director and issued
57 only for the applicant's use in the operation of the motor vehicle or trailer purchased to enable
58 the applicant to legally operate the vehicle while proper title and registration plate are being
59 obtained, **but shall not be issued by the dealer unless the buyer has provided and the dealer**
60 **has recorded proof of financial responsibility as required by this section** and shall be
61 displayed on no other vehicle. Permits or paper plates issued pursuant to this section shall not
62 be transferable or renewable and shall not be valid upon issuance of proper registration plates
63 for the motor vehicle or trailer. The director shall determine the size and numbering
64 configuration, construction, and color of the permit and plate.

65 7. The dealer or authorized agent shall insert the date of issuance and expiration date,
66 year, make, and manufacturer's number of vehicle on the paper plate or permit when issued to
67 the buyer. The dealer shall also insert such dealer's number on the paper plate. Every dealer that
68 issues a temporary permit or paper plate shall keep, for inspection of proper officers, a correct
69 record of each permit or plate issued by recording the permit or plate number, buyer's name and
70 address, year, make, manufacturer's number of vehicle on which the permit or plate is to be used,
71 and the date of issuance. **In addition, every dealer that issues a temporary permit or paper**
72 **plate shall make and keep, for inspection of proper officers, a correct record of proof of the**
73 **buyer's financial responsibility, pursuant to section 303.160, RSMo, for the motor vehicle**
74 **for which the dealer issues such temporary permit or paper plate.**

75 8. Upon the transfer of ownership of any currently registered motor vehicle wherein the
76 owner cannot transfer the license plates due to a change of vehicle category, the owner may
77 surrender the license plates issued to the motor vehicle and receive credit for any unused portion
78 of the original registration fee against the registration fee of another motor vehicle. Such credit
79 shall be granted based upon the date the license plates are surrendered. No refunds shall be made
80 on the unused portion of any license plates surrendered for such credit.

303.026. 1. The director shall inform each owner who registers a motor vehicle of the
2 following:

3 (1) The existence of the requirement that every motor vehicle owner in the state must
4 maintain [his] financial responsibility;

5 (2) The requirement that every motor vehicle owner show an insurance identification
6 card, or a copy thereof, or other proof of financial responsibility at the time of vehicle

7 registration; this notice shall be given at least thirty days prior to the month for renewal and shall
8 be shown in bold, colored print;

9 (3) The penalties which apply to violations of the requirement to maintain financial
10 responsibility;

11 (4) The benefits of maintaining coverages in excess of those which are required;

12 (5) The director's authority to conduct samples of Missouri motor vehicle owners to
13 ensure compliance.

14 2. No motor vehicle owner shall be issued registration for a vehicle, **nor shall any**
15 **license plate, temporary permit or paper plate be issued**, unless the owner, or [his] **the**
16 **owner's** authorized agent, signs an affidavit provided by the director of revenue at the time of
17 registration of the vehicle certifying that such owner has **at the time of registration** and will
18 maintain, during the period of registration, financial responsibility with respect to each motor
19 vehicle that is owned, licensed or operated on the streets or highways. The affidavit need not be
20 notarized, but it shall be acknowledged by the person processing the form. The affidavit shall
21 state clearly and in bold print the following: "Any false affidavit is a crime under section
22 575.050 of Missouri law.". In addition, every motor vehicle owner shall show proof of such
23 financial responsibility by presenting his or her insurance identification card, as described in
24 section 303.024, or a copy thereof, or some other proof of financial responsibility in the form
25 prescribed by the director of revenue at the time of registration unless such owner registers [his]
26 **the** vehicle in conjunction with a reciprocity agreement entered into by the Missouri highway
27 reciprocity commission pursuant to sections 301.271 to 301.279, RSMo, or unless the owner
28 insures the vehicle according to the requirements of the division of motor carrier and railroad
29 safety pursuant to section 390.126, RSMo.

30 3. To ensure compliance with this chapter, the director may utilize a variety of sampling
31 techniques including but not limited to random samples of registrations subject to this section,
32 uniform traffic tickets, insurance information provided to the director at the time of motor
33 vehicle registration, and persons who during the preceding year have received a disposition of
34 court-ordered supervision or suspension. The director may verify the financial responsibility of
35 any person sampled or reported.

36 (1) Beginning January 1, 2001, the director may require such information, as in his or
37 her discretion is necessary to enforce the requirements of subdivision (1) of subsection 1 of this
38 section, to be submitted from the person's insurer or insurance company. When requested by the
39 director of revenue, all licensed insurance companies in this state which sell private passenger
40 (noncommercial) motor vehicle insurance policies shall report information regarding the
41 issuance, nonrenewal and cancellation of such policies to the director, excluding policies issued
42 to owners of fleet or rental vehicles or issued on vehicles that are insured pursuant to a

43 commercial line policy. Such information shall be reported electronically in a format as
44 prescribed by the director of the department of revenue by rule except that such rule shall provide
45 for an exemption from electronic reporting for insurers with a statistically insignificant number
46 of policies in force.

47 (2) The director may require the data described in subsection 2 of section 303.412 to be
48 reported by insurance companies and require reporting periods of at least once per month. When
49 required by the director of revenue, each insurance company shall provide to the department a
50 record of each policy issued, canceled, terminated or revoked during the period since the
51 previous report. Nothing in this section shall prohibit insurance companies from reporting more
52 frequently than once per month.

53 (3) The director may use reports described in subdivision (1) of this subsection for
54 sampling purposes as provided in this section.

55 4. Information provided to the department by an insurance company for use in
56 accordance with this section is the property of the insurer and is not subject to disclosure
57 pursuant to chapter 610, RSMo. Such information may be utilized by the department for
58 enforcement of this chapter but may not be disclosed except that the department shall disclose
59 whether an individual is maintaining the required insurance coverage upon request of the
60 following individuals and agencies only:

61 (1) The individual;

62 (2) The parent or legal guardian of an individual if the individual is an unemancipated
63 minor;

64 (3) The legal guardian of the individual if the individual is legally incapacitated;

65 (4) Any person who has power of attorney from the individual;

66 (5) Any person who submits a notarized release from the individual that is dated no more
67 than ninety days before the request is made;

68 (6) Any person claiming loss or injury in a motor vehicle accident in which the
69 individual is involved;

70 (7) The office of the state auditor, for the purpose of conducting any audit authorized by
71 law.

72 5. The director, after consultation with the working group as provided for in section
73 303.406, may adopt any rules and regulations necessary to carry out the provisions of
74 subdivisions (1) through (3) of subsection 3 of this section. Any rule or portion of a rule, as that
75 term is defined in section 536.010, RSMo, that is created under the authority delegated in this
76 section shall become effective only if it complies with and is subject to all of the provisions of
77 chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536,
78 RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to

79 chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are
80 subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed
81 or adopted after August 28, 2000, shall be invalid and void.

82 6. Any person or agency who knowingly discloses information received from insurance
83 companies pursuant to this section for any purpose, or to a person, other than those authorized
84 in this section is guilty of a class A misdemeanor. No insurer shall be liable to any person for
85 performing its duties pursuant to this section unless and to the extent the insurer commits a
86 willful and wanton act of omission.

87 7. The department of revenue shall notify the department of insurance of any insurer who
88 violates any provisions of this section. The department of insurance may, against any insurer
89 who knowingly fails to comply with this section, assess an administrative penalty up to five
90 hundred dollars per day of noncompliance. The department of insurance may excuse the
91 administrative penalty if an assessed insurer provides acceptable proof that such insurer's
92 noncompliance was inadvertent, accidental or the result of excusable neglect. The penalty
93 provisions of this section shall become effective six months after the rule issued pursuant to
94 subsections 3 and 5 of this section is published in the code of state regulations.

95 8. To verify that financial responsibility is being maintained, the director shall notify the
96 owner or operator of the need to provide, within fifteen days, proof of the existence of the
97 required financial responsibility. The request shall require the owner or the operator to state
98 whether or not the motor vehicle was insured on the verification date stated in the director's
99 request. The request may include but not be limited to a statement of the names and addresses
100 of insurers, policy numbers and expiration date of insurance coverage. Failure to provide such
101 information shall result in the suspension of the registration of the owner's motor vehicle, and
102 where applicable, the owner's or the operator's driving privilege, for failing to meet such
103 requirements, as is provided in this chapter.